

PROPOSED JURY INSTRUCTION NO. 1

The evidence consists of the testimony of the witnesses, and the exhibits admitted in evidence, and stipulations.

A stipulation is an agreement between both sides that certain facts are true that a person would have given certain testimony.

Seventh Circuit Civil Jury Instruction § 1.04.

GIVEN _____

REFUSED _____

MODIFIED _____

PROPOSED JURY INSTRUCTION NO. 2

Certain things are not to be considered as evidence. I will list them for you:

First, if I told you to disregard any testimony or exhibits or struck any testimony or exhibits from the record, such testimony or exhibits are not evidence and must not be considered.

Second, anything that you may have seen or heard outside the courtroom is not evidence and must be entirely disregarded. This includes any press, radio, Internet or television reports you may have seen or heard. Such reports are not evidence and your verdict must not be influenced in any way by such publicity.

Third, questions and objections or comments by the lawyers are not evidence. Lawyers have a duty to object when they believe a question is improper. You should not be influenced by any objection, and you should not infer from my rulings that I have any view as to how you should decide the case.

Fourth, the lawyers' opening statements and closing arguments to you are not evidence. Their purpose is to discuss the issues and the evidence. If the evidence as you remember it differs from what the lawyers said, your memory is what counts.

Seventh Circuit Civil Jury Instruction § 1.06.

GIVEN _____

REFUSED _____

MODIFIED _____

PROPOSED JURY INSTRUCTION NO. 3

You should use common sense in weighing the evidence and consider the evidence in light of your own observations in life.

In our lives, we often look at one fact and conclude from it that another fact exists. In law we call this “inference.” A jury is allowed to make reasonable inferences. Any inference you make must be reasonable and must be based on the evidence in the case.

Seventh Circuit Civil Jury Instruction § 1.11.

GIVEN _____

REFUSED _____

MODIFIED _____

PROPOSED JURY INSTRUCTION NO. 4

You must decide whether the testimony of each of the witnesses is truthful and accurate, in part, in whole, or not at all. You also must decide what weight, if any, you give to the testimony of each witness.

In evaluating the testimony of any witness, including any party to the case, you may consider, among other things:

- the ability and opportunity the witness had to see, hear, or know the things that the witness testified about;
- the witness's memory;
- any interest, bias, or prejudice the witness may have;
- the witness's intelligence;
- the manner of the witness while testifying;
- the witness's age;
- and the reasonableness of the witness's testimony in light of all the evidence in the case.

Seventh Circuit Civil Jury Instruction § 1.13.

GIVEN _____

REFUSED _____

MODIFIED _____

PROPOSED JURY INSTRUCTION NO. 5

You have heard evidence that one or more of the Class Members have been convicted of a crime. You may consider this evidence only in deciding whether a Class Member's testimony is truthful in whole, in part, or not at all. You may not consider this evidence for any other purpose.

Seventh Circuit Civil Jury Instruction § 1.15.

GIVEN _____

REFUSED _____

MODIFIED _____

PROPOSED JURY INSTRUCTION NO. 6

You may find the testimony of one witness or a few witnesses more persuasive than the testimony of a larger number. You need not accept the testimony of the larger number of witnesses.

Seventh Circuit Civil Jury Instruction § 1.17.

GIVEN _____

REFUSED _____

MODIFIED _____

PROPOSED JURY INSTRUCTION NO. 7

If you find in favor of Plaintiff, then you must determine the amount of money that will fairly compensate each Class Member who testifies for any damage that you find he or she sustained as a direct result of over detention in the Allen County Jail.

Plaintiff must prove his or her damages by a preponderance of the evidence. Your award must be based on evidence and not speculation or guesswork.

Seventh Circuit Civil Jury Instruction § 7.23.

GIVEN _____

REFUSED _____

MODIFIED _____

PROPOSED JURY INSTRUCTION NO. 8

If you decide that any Class Member who testifies is entitled to recover damages, you must separately decide the amount owed to that plaintiff and list that amount on the verdict form.

The Plaintiff, Letasha Myatt, and other individuals who testified during the course of trial, represent a class of 962 individuals. Your finding of damages for the Plaintiffs will be allocated to each member of the entire class. Testimony from each Plaintiff in the class who suffered damages is not necessary since the District Court will make its allocation to each Class Member in the final judgment.

Indiana Civil Pattern Jury Instruction § 321-02-10

GIVEN _____

REFUSED _____

MODIFIED _____

PROPOSED JURY INSTRUCTION NO. 9

You must determine the amount of money that will fairly compensate each of the Plaintiffs who testified for the loss of liberty damages suffered as a result of his or her over detention in the Allen County Jail. You should consider the amount of over detention time when determining each Plaintiff's damages for loss of liberty. You may not consider any emotional distress, mental anguish, mental suffering, humiliation, isolation, loss of human dignity, loss of employment or loss of income when determining loss of liberty damages. Those damages, where applicable, are addressed separately outside this proceeding by the United States District Court.

Kerman v. City of New York, 374 F.3d 93 (2d. Cir. 2004).

GIVEN _____

REFUSED _____

MODIFIED _____